

REMARKS/ARGUMENTS

Claims 17-28 are pending in the present application. Claims 17 and 22 have been amended to more clearly recite the invention. The claim amendments are all entirely supported by the application as originally filed and thus they raise no issue of new matter. Furthermore, claim 28 is canceled without prejudice or disclaimer due to the amendments to claims 17 and 22. Upon entry of this Amendment into the file of the application, claims 17-27, as amended, will remain pending in the application.

Claim Objections

Claim 22 is objected to for the reasons set forth on p. 2 of the Office Action. In light of the Examiner's remarks, the subject claim has been amended in a manner which is believed to more clearly recite the claimed method. The amendments made to the claim are believed to overcome the ground for objection and the Examiner is, therefore, respectfully requested to reconsider and withdraw her objection to claim 22.

Rejections Under 35 U.S.C. §112, First Paragraph

Claims 17-28 are rejected under 35 U.S.C. §112, first paragraph. Based on the reasons presented at pp. 2-4 of the Office Action, it is the Examiner's position that the description of the invention as contained in the specification would not enable one having an ordinary level of skill in the relevant art to practice the invention recited in the claims in their present form. The rejection is respectfully traversed with regard to claims 17-27. Claim 28 has been canceled herein and, thus, the rejection is moot as to that claim.

In response to the enablement rejection under §112, claims 17 and 22 were amended to recite that the complex immuno-gene medical composition recited in claim 17, and which is used in the method recited in claim 22, is comprised of a plasmid comprising SEQ ID NO:1 encoding IL-6 and a plasmid comprising SEQ ID NO:4 encoding IL-15 operably linked to an IL-2 signal peptide. These amendments are believed to overcome the bases for the 'non-enablement' rejection under §112 and the Examiner is, thus, respectfully requested to reconsider and withdraw the subject rejection.

Claim Rejections Under 35 U.S.C. §112, Second Paragraph

Claims 22-27 remain rejected, and claims 17-21 and 28 are newly rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite for the reasons set forth on p. 5 of the Office Action. These rejections are respectfully traversed.

As to claim 22, the Examiner states that the claim is incomplete as written in that the preamble of the claim is drawn to a method of inhibiting the growth of tumor cells, yet the claim does not require obtaining an effect that is indicative of inhibition of tumor growth. In response, however, the Examiner's attention is respectfully directed to the language contained in lines 2-4 of the subject claim which recite the administration of a therapeutically effective amount of the complex immunogene medical composition (1) to activate NK cells, and (2) to enhance cytotoxicity of the NK cells. As would be well understood by one having an ordinary degree of skill in this field, the indicated effects would, of necessity, result in the inhibition of the growth of tumor cells. As such, the subject claim is believed to be entirely in compliance with 35 U.S.C. §112 and the Examiner is respectfully requested to reconsider and withdraw the rejection of claim based thereon.

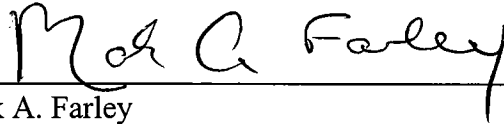
Further to the above, according to p. 5 of the Office Action claim 17 is believed to be unclear by the Examiner in that it reads that the DNA sequence of SEQ ID NO:3 encoding IL-15 is linked to a signal peptide. Applicants, therefore, have amended claim 17 as shown above and the amendment is believed to overcome the Examiner's ground for objection. The Examiner is, therefore, respectfully requested to reconsider and withdraw the subject rejection of claim 17.

Summary

The claim amendments and remarks set forth above are believed to overcome all of the grounds for objection and rejection of applicants' claims. If the Examiner does not agree, however, and believes that an interview would advance the progress of this application, she is respectfully invited to telephone applicants' representative at the number below in order that any remaining impediments to an allowance might be removed thereby, without the need for issuance of a further Office Action concerning this application.

THIS CORRESPONDENCE IS BEING
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Respectfully submitted,

A handwritten signature in black ink, reading "Mark A. Farley", is written over a horizontal line.

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